

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-22 and 66-75 are pending in the application, with 1, 8 and 14 being the independent claims. Claims 23-65 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 66-75 are sought to be added. Claims 1 and 14-22 are amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Allowable Subject Matter

Applicants acknowledge with appreciation the Examiner's indication that claims 8-13 are allowed and that claims 14-22 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. As described below, Applicants have amended claims 14-22 to overcome the rejections under 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that claims 14-22 be allowed. Furthermore, Applicants respectfully request that new claims 66-75, which depend from independent claim 14, also be allowed.

Rejections under 35 U.S.C. § 112

On page 4 of the Office Action, claims 14-22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action further states claim 14

as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the step indicating a presence and a definition of a third state (dormant) and when the third state is transitioned to from the fourth state (Tree Traversal). See claims 8, steps (c) and 11. The steps should be labeled in alphabetical and numerical order.

In order to clearly recite the intended claimed subject matter, and without changing the scope of the claims, Applicants have amended claims 14-22 above to rename the second state to the third state, the fourth state to the second state, and the fifth state to the fourth state. Accordingly, Applicants assert that no gap between states exists, and that the states are labeled in order.

Accordingly, Applicants respectfully request that the rejection of claims 14-22 under 35 U.S.C. § 112, second paragraph, be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 102

In paragraph 2 of page 2 of the Office Action, claims 1-7 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,774,766 to Moyer (hereinafter Moyer). Applicants respectfully traverse the rejection, and request that it be withdrawn.

Differences exist between Moyer and the claimed embodiments of the present invention. For example, amended claim 1 recites receiving a symbol from the reader

when the operating state is a present state, wherein a first pulse width for the received symbol represents a first data value, and a second pulse width for the received symbol represents a second data value. Moyer does not teach this feature of claim 1.

Thus, for at least these reasons, claim 1 is patentable over Moyer. Furthermore, claims 2-7, which depend from claim 1, are also patentable over Moyer for at least these reasons, and further in view of their own features. Accordingly, Applicants respectfully request that the rejection of claims 1-7 be reconsidered and withdrawn.

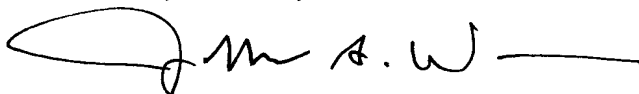
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "J. M. A. W.", followed by a horizontal line.

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Date: December 7, 2005

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